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MISCELLANY.

A Complete Library of Virginia Statute Law.—There are doubtless many lawyers in Virginia who would like to possess a complete collection of all the statutes of a general and permanent nature which have been in force in Virginia from the earliest times down to date. There have been so many extra sessions of the general assembly and so many so-called Codes which were unofficial that it requires not a little research to make a complete list of the volumes of the statutes. The report of the Virginia State Bar Association for 1889 (p. 59) contains a list of the volumes of statutes beginning with the first volume of Hening's Statutes at Large. It omits, however, acts of 1813. The list below does not contain mere compilations or unofficial "Codes," because they contain no statutes which had not previously appeared in the acts. Hening's Statutes at Large and Shepherd's continuation thereto contain the statutes from 1619 to 1808. Hence, the list below does not contain any of the acts or Codes prior to the last-mentioned date. Mr. William E. Ross, in his valuable article, 11 Va. Law Reg. 100, gives a list of all the Codes and compilations, official and unofficial, in which should have been included, however, Dale's Laws, which appeared in 1610, 1611; Laws of Virginia collected and digested by F. Moryson, confirmed by General Assembly at James City 1661, London 1862; Abridgement of Acts in Force 1758 (Mercer) Glasgow 1759; Acts in Force 1769 Williamsburg; Matthews' Civil Digest, appearing in 1856, and his criminal digests, appearing in 1860, 1871, 1878, 1890, and the second edition of Tate's Digest 1841. In this connection we call attention to the letter of Mr. T. L. Cole, President of the Statute Law Book Co., published in "Correspondence" in this issue. The following list has been compared with the catalogue of the library of the Association of the Bar of New York:

A Complete Library of Virginia Statutes of a General and Permanent Nature Which Have at Any Time Been in Force, between the Years 1619 and 1906, Both Inclusive.*

No. 1. Hening 1619-60.	No. 7. Hening 1756-63.
2. " 1660-82.	8. " 1764-73.
3. " 1682-1710.	9. " 1775-78.
4. " 1711-36.	10. " 1779-81.
5. " 1738-48.	11. " 1782-84.
6. " 1748-55.	12. " 1785-88.

***Note.**—Unofficial "Codes" and compilations whether official or not are omitted because they contain no statutes which had not previously appeared in the Acts. Though the possession of such Codes and compilations are not necessary in order to have all the general statutes ever in force in Virginia, yet it is well to possess the same because

No. 13. Henning 1789-92.	No. 48. Acts 1837, Extra Ses-
14. Shepherd 1792-95.	sion, June 12-24,
15. " 1796-1802.	11 pages.
16. " 1803-08.	49. " 1838, Jan. 1-Apr. 9.
17. Acts 1808-09.	50. " 1839, Jan. 7-Apr. 10.
18. " 1809-10.	51. " 1839-40.
19. " 1810-11.	52. " 1840-41.
20. " 1811-12.	53. " 1841-42.
21. " 1812-13.	54. " 1842-43.
22. " 1813 (May), only 5	55. " 1843-44.
pages.	56. " 1844-45.
23. " 1813-14.	57. " 1845-46.
24. " 1814-15.	58. " 1846-47.
25. " 1815-16.	59. " 1847-48.
26. " 1816-17.	60. " 1848-49.
27. " 1817-18.	61. Code 1849.
28. " 1818-19.	62. Acts 1849-50, Extra (May)
29. Code 1819, 2 vols.	and Regular Ses-
30. Acts 1819-20.	sions.
31. " 1820-21.	63. " 1850-51.
32. " 1821-22.	64. " 1852.
33. " 1822-23.	65. " 1852-53.
34. " 1823-24.	66. " 1853-54.
35. " 1824-25.	67. " 1855-56.
36. " 1825-26.	68. " 1857-58.
37. " 1826-27.	69. " 1859-60.
38. " 1827-28.	70. " 1861, Richmond, and
39. " 1828-29.	Ordinances of Con-
40. " 1829-30.	vention.
41. " 1830-31.	71. " 1861-62, Richmond.
42. " 1831-32.	72. " 1862, Richmond, Ex-
43. " 1832-33.	tra Session.
44. " 1833-34.	73. " 1862, Richmond,
45. " 1834-35.	Called Session.
46. " 1835-36.	74. " 1863, Richmond, Ad-
47. " 1836-37.	journed Session.

they are frequently referred to, both in the acts of assembly and in the Virginia Reports.

We are informed by the Virginia State Librarian that it has been ascertained that Henning omitted certain statutes, but we are unable at this time to furnish a list of same.

The title page of the 3rd volume of Shepherd is deceptive in that it purports not to contain Acts 1807-8.

In 1838 and again in 1839 the General Assembly met in regular session in January in accordance with act 1836-7, p. 22. The session of 1852 met in same month as required by the schedule of the then new constitution.

No. 75. Acts 1863, Richmond,	No. 94. Acts 1877-78.
Called Session.	95. " 1878-79.
76. " 1863-64, Richmond.	96. " 1879-80.
77. " 1861, Wheeling.	97. " 1881-82, Regular and
78. " 1861-62, Wheeling.	Extra Sessions, Pub-
79. " 1862, Wheeling, Ex-	lished in one vol.
tra Session, May	98. " 1883-84.
6-13.	99. " 1884, Extra Session.
80. " 1862-63, Wheeling,	100. " 1885-86.
Extra Session.	101. Code 1887.
81. " 1863-64, Alexandria.	102. Acts 1887, Extra Session.
82. " 1864-65, Alexandria.	103. " 1887-88.
83. " 1865, Extra Session.	104. " 1889-90.
84. " 1865-66.	105. " 1891-92.
85. " 1866-67, including ex-	106. " 1893-94.
tra session, 1867, im-	107. " 1895-96.
mediately following.	108. " 1897-98.
86. " 1869-70.	109. " 1899-1900.
87. " 1870-71.	110. " 1901.
88. " 1871-72.	111. " 1901-02.
89. " 1872-73.	112. " 1902-3-4, Extra Ses-
90. " 1874.	sion.
91. " 1874-75.	113. " 1904.
92. " 1875-76.	114. " 1906.
93. " 1876-77.	

Capias Ad Respondendum—Va. Code 1904, Sec. 2991, et seq.—
 Mr. E. R. F. Wells, of the Norfolk bar, calls attention to a serious defect in the form of affidavit for capias in the notes under Sec. 2991, Va. Code 1904. The affidavit fails to state the justice of the plaintiff's claim as required by the statute. In this connection it would be well to know that the form as given in the Code seems to render unnecessary the making of an order by the court, judge, or justice to the effect that the defendant should be held to bail. Mr. Sams in his work on attachments, p. 275, et seq., gives an order in which the affidavit is recited in full, followed by a direction that the defendant be held in bail for such a sum, etc. It would seem, however, that such an order is unnecessarily cumbersome and that all that is necessary to have the clerk issue the writ is to present to him a certificate signed by the court, judge, or justice setting forth, that affidavit in accordance with the statute has been made and directing therein that the defendant be held in bail in the sum of dollars.

Inasmuch as the statute does not seem to require the judge, etc., to direct that the defendant be held, but only says that it shall be lawful for the judge, etc., to direct that the defendant be held, it would further seem that the certificate should set forth that it has

been shown to the satisfaction of the judge, etc., that the facts necessary for the issuance of the writ exist.

In short, the practice could be simplified by making one paper serve for the affidavit and the direction that the defendant be held.

The statute still allows the defendant in such cases to file their answers to interrogatories in writing, which is in conformity with Sec. 3603 before amendment, but there is no good reason why an absconding debtor should have the privilege of having questions submitted to him in writing and allowing him to answer in writing, when other debtors are required to appear personally before a commissioner and be subjected to an oral examination. Secs. 2992-95 should, therefore, be changed to conform to Sec. 3603 as amended.